

REMARKS

Claims 1, 3-16 and 19-23 are pending in the present application. Of these, claims 1, 3-16 and 21-23 are rejected as unpatentable. Claims 19 and 20 are objected to as being dependent upon a rejected base claim.

In this response, claims 1, 3-16, 19-23 have been amended. Claims 3-5, 8-14, 19-21 and 23 have been amended to correct minor editorial problems. New claims 24 -31 have been added. These changes add no new matter to the application and are fully supported by the original disclosure.

Claims 1, 3-16 and 21-23

The Examiner rejected claim 1 under 35 USC section 103(a) as being unpatentable over "A proposal for an RLC/MAC Protocol for Wideband CDMA Capable of Handling Real Time and Non Real Time Services" by *Roobol et al.*, in view of *Schramm* (US 6,208,663) and *Rittle* (US 6,173,431). The Examiner argues that it would have been obvious to one skilled in the art to modify *Roobol et al.* to provide support and motivation to request retransmission of a particular data block or an entire message upon an "active" retransmission request.

Claim 1 has been amended in line 4 to recite "determining a fragment size and a number of fragments for each of the segments" and in line 5 to recite "using the fragment size and the number of fragments." This is consistent with the specification (Specification, pgs. 8, 12-13) and points to the fact that in the current invention, the size and number of fragments is dynamically determined. The cited prior art does not teach or even suggest dynamically determining the number and size of fragments for retransmission. In particular, *Roobol* even discloses transmitting Protocol Data Units (PDUs) of a fixed size. The 35 USC section 103 rejection of claim 1 is overcome by this amendment and claim 1 is now in condition for allowance. Claims 5, 7, 15 and 22 have been amended consistent with the amendment to claim 1 and the argument given above is applicable to these claims. Claims 5, 7, 15 and 22 are now in condition for allowance.

Claims 3, 4 and 21 depend from amended claim 1 and therefore include all the limitations of claim 1. Claims 3, 4 and 21 are now in condition for allowance. Claims 6 and 23 depend from amended claim 5 and claims 8-14 depend from amended claim 7. These dependent claims are also now in condition for allowance.

Claim 16 has been amended in line 5 to recite "wherein the fragments are used to calculate a segment error rate." This amendment is consistent with the specification (Specification pg 13). A segment error rate is not taught or even suggested by the cited prior art. Claim 16 is now in condition for allowance pursuant to this amendment.

Claims 19 and 20

The Examiner objected to claims 19 and 20 as being dependent on a rejected base claim. Claims 19 and 20 depend from amended claim 16 amended above, and are now in condition for allowance..

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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